

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of September 4, 2012 Meeting

Present: David DeAngelis-Chair, John Bart–Vice Chair, Mark Enander, John Barr, Barry Nickerson, Anthony DeSisto, Esq. (Town Solicitor)

Excused: Lori Lyle, Ronald Del Vecchio

Minutes

Approval of the August 2012 Minutes continued to the October 2, 2012 agenda.

Correspondence

Nothing to report.

Applications:

Anthony Bouthillette, 266 Angell Road, Lincoln, RI – Application for Dimensional Variance seeking front and side yard relief for the construction of an addition.

AP 45, Lot 107 Zoned: RS-20

Applicant sent an email to Russell Hervieux, Zoning Official

requesting the application be withdrawn without prejudice.

Motion made by Chairman DeAngelis and seconded by Member Enander to accept withdrawal of the application without prejudice.

Motion carried by all present.

BAM Realty LLC, 7 Industrial Drive South, Smithfield, RI/William Machala, 7 Industrial Drive South, Smithfield, RI – Application for Special Use Permit to allow a indoor recreation are for children's party use for property located at 40 Walker Street, Lincoln, RI.

AP 2, Lots 84/96 Zoned MG 05

Represented by: Eric DiMario, Esquire

Russell Hervieux, Zoning Official informed the Board there were notice issues with 13 Conduit Street. The mailing address is different from the Town records. The Town's address is insufficient and as a result the applicant is not in violation. Owner hand delivered notice to the correct address (submitted into the record as Exhibit #1)

Chair read into the record standards that need to be met for a Special Use Permit.

Mr. Machala informed the Board if approved he has a pending lease agreement. Site has 5,000 sq.ft. on the second floor which he will rent out for children parties and social gatherings. It will be used for indoor recreation activities. Applicant meets all criteria – it is an

industrial area and he will not be altering the use. There is one parking lot with 24 spots in the front and 28 at the rear with 12 spots across the street at the old senior center. Total parking spots amount to around 150 spaces but they are not all indicated on the site plan.

Russell Hervieux stated to calculate the required parking spaces is difficult. The mill buildings at the site make it difficult. Parking is required to be on the same lot as the proposed use and he is concerned about the lot across the street near the fire station. There are no crosswalks. He further stated that 5,000 sq.ft. needs 25 parking spaces.

Attorney DeSisto was concerned about how many uses are in the mill complex. This information is required to calculate the correct number of required parking spaces.

Mr. Machalo informed the Board that the only warehousing at the site is in Smithfield. The former tenant moved out and there is approximately 150,000 sq.ft. available for warehousing. Lot 84 has a karate studio, warehousing space and a possible new tenant. Nothing new will be located on Lot 84. There is no loading dock. Lot 84 has 57 parking spaces and Lot 96 has 72 spaces. Attorney DeSisto stated there is no use there now but could have future use. The Board needs to calculate current use at some point or a variance may need to be applied for.

Proposed use will be open weekends and 6:00-8:00 pm. Lot 84 has halogen lighting. No signage will be posted and if they do in the future it will meet all town requirements.

Chairman DeAngelis stated two issues need to be clarified. There is nothing on record regarding the dimensions of the building on Lot 84.

Second issue is who will be responsible to supervising and booking any events at the site. Applicant replied his wife will be managing the site. The owner is in the process of setting up an LLC for the business. Chairman asked with children and teens attending the venues what types of bookings will be held on site. He would like to hear testimony from applicant's wife explaining types of planned functions and he would also like to see a detailed site plan and parking plan. Would applicant be agreeable to continuing the application to the October agenda and return with: wife present to testify/photo of proposed parking lot/square footage of Lot 84/site plan showing lighting at the site. Applicant agreed.

No opposition present.

Motion made by Member Enander to continue the application to the October agenda. Motion seconded by Vice Chairman Bart. Motion carried by all present.

TD Bank c/o Bohler Engineering, 352 Turnpike Road, Southborough, MA/Wake Robin Square LLC, 1145 Main Street, Suite 3, Pawtucket, RI

– Application for Special Use Permit for signage for new business to be located at the former's Wendy's at 3 Wake Robin Road, Lincoln, RI. AP 28, Lot 10 Zoned: BL 0.5

Russell Hervieux, Zoning Official informed the Board there were notice issues. He spoke with attorney for the applicant who requested the application be continued to the October agenda to resolve the problem.

Motion made by Vice Chairman Bart to continue the application to the October agenda. Motion seconded by Member Enander. Motion carried by all present.

Election of Officers

Motion made by Member Enander and seconded by Member Nickerson to reappoint John Bart as Vice Chairman of the Board. Motion carried by all present.

Motion made by Vice Chairman Bart and seconded by Member Enander to reappoint David DeAngelis as Chairman of the Board. Motion carried by all present.

Motion made by Member Nickerson and seconded by Member Bart to adjourn the meeting.

Respectfully submitted,

Ghislaine D. Therien

Recording Secretary